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1600 SHATTUCK ASSOCIATES, L.P.
(erroneously sued as 1600 Shattuck Associates,
a General Partnership)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALEZ,

Plaintiff,

V.

PHILZ COFFEE, INC.; 1600 SHATTUCK
ASSOCIATES, a General Partnership,

Defendants.

Case No. 4:16-cv-07102-HSG

**STIPULATION AND ORDER TO
CONTINUE BRIEFING SCHEDULE
AND HEARING ON CROSS-
DEFENDANT PHILZ COFFEE, INC.'S
ANTICIPATED MOTION FOR
JUDGMENT ON THE PLEADINGS
BECAUSE OF TENTATIVE
SETTLEMENT OF CROSS-CLAIM**

Complaint Filed: December 13, 2016
Cross-Claim Filed: October 20, 2017
Trial Date: None Set

1600 SHATTUCK ASSOCIATES, L.P.,

Cross-Claimant,

V.

PHILZ COFFEE, INC.,

Cross-Defendant.

1 Plaintiff Francisca Moralez (“Plaintiff”), Defendant and Cross-Claimant 1600 Shattuck
2 Associates, L.P. (“1600 Shattuck”), and Cross-Defendant Philz Coffee, Inc. (“Philz”), by and
3 through their respective attorneys of record, hereby stipulate as follows:

4 1. The hearing on Philz’s Motion for Judgment on the Pleadings related to the Cross-
5 Claim filed by 1600 Shattuck against Philz (“Motion”) is scheduled for hearing by the Court on
6 December 15, 2017. (ECF No. 60.) Pursuant to the Court’s November 8, 2017 Minute Order, the
7 parties were required by the Court to meet and confer regarding an expedited briefing schedule
8 for the Motion. (*Id.*) The parties stipulated to and the Court entered an order setting forth the
9 briefing schedule:

- 10 • **Deadline to file Motion:** November 27, 2017
- 11 • **Deadline to file Opposition to Motion:** December 7, 2017
- 12 • **Deadline to file Reply to Motion:** December 11, 2017

13 (ECF No. 64.)

14 2. 1600 Shattuck and Philz have reached a tentative settlement to resolve
15 1600 Shattuck’s Cross-Claim against Philz (ECF No. 50). Settlement of the Cross-Claim would
16 result in Philz no longer being any part of the above-referenced matter, and Philz’s anticipated
17 Motion would be moot. Given the upcoming Thanksgiving holiday and Philz’s inspection of
18 1600 Shattuck’s attorneys’ redacted billing records, a condition of the tentative settlement, the
19 parties anticipate that it will take at least two weeks to finalize the settlement and memorialize it
20 in a written agreement.

21 3. 1600 Shattuck and Philz therefore request that the Court continue the hearing for
22 Philz’s Motion until mid-January 2018 to allow the parties to settle the Cross-Claim. If 1600
23 Shattuck and Philz are unable to settle the Cross-Claim by December 22, 2017, they will meet
24 and confer and file by that date a stipulation and proposed order establishing a briefing schedule
25 on the Motion.

26 **IT IS SO STIPULATED.**

1 Dated: November 22, 2017

MISSION LAW FIRM, A.P.C.

2 By: s/Zachary M. Best
3 Zachary M. Best
4 Attorneys for Plaintiff
5 FRANCISCA MORALEZ

6 Dated: November 22, 2017

7 ALLEN MATKINS LECK GAMBLE
8 MALLORY & NATSIS LLP

9 By: s/Allison L. Shrallow
10 Charles D. Jarrell
11 Allison L. Shrallow
12 Attorneys for Defendant and Cross-Claimant
13 1600 SHATTUCK ASSOCIATES, L.P.
14 (erroneously sued as 1600 Shattuck
15 Associates, a General Partnership)

16 Dated: November 22, 2017

17 JACKSON LEWIS P.C.

18 By: s/Jamerson C. Allen
19 Jamerson C. Allen
20 Janelle J. Sahouria
21 Attorneys for Cross-Defendant
22 PHILZ COFFEE, INC.

ORDER

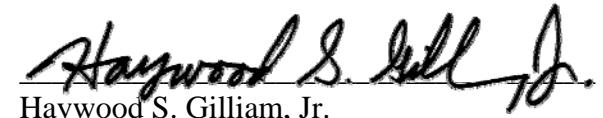
23 The Parties having so stipulated and good cause appearing, it is hereby ORDERED as
24 follows:

25 1. The hearing for Cross-Defendant Philz, Inc.'s Motion for Judgment on the
26 Pleadings ("Motion") is continued from December 15, 2017 until January 18, 2018.

27 2. Cross-Claimant and Defendant 1600 Shattuck Associates, L.P. and Cross-
28 Defendant Philz, Inc. will meet and confer and file by December 22, 2017 a stipulation
establishing briefing schedule if they are unable to finalize their tentative settlement of the Cross-
Claim prior to that date.

IT IS SO ORDERED.

29 Dated: November 27, 2017


30 Haywood S. Gilliam, Jr.
31 United States District Judge